

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 AF-08 ARA-06 EA-07 NEA-10

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TO SECSTATE WASHDC IMMEDIATE 9466

INFO AMEMBASSY MOSCOW

LIMITED OFFICIAL USE SECTION 1 OF 3 USUN 4002

E.O. 11652: N/A

TAGS: UNGA, UR

SUBJ: 31ST UNGA: SOVIET FM GROMYKO PROPOSES TREATY ON
NON-USE OF FORCE

1. CENTERPIECE OF SOVIET FM GROMYKO'S SEPTEMBER 28 ADDRESS TO 31ST UNGA WAS PROPOSAL FOR THE INCLUSION OF AN AGENDA ITEM ENTITLED " CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS". GROMYKO, AFTER LENGTHY PREAMBULAR STATEMENT ON NEED TO CURB ARMS RACE, HIGHLIGHTED CENTRALITY OF NON-USE OF FORCE UNDERTAKING FOR SOVIET FOREIGN POLICY BY RECALLING UN CHARTER, CSCE FINAL ACT AND NON-ALIGNED SUMMITS. 1972 UNGA RESOLUTION, HE EMPHASIZED, HAD LINKED NON-USE OF FORCE WITH PROHIBITION ON USE OF NUCLEAR WEAPONS. BREZHNEV, AT 25TH CPSU CONGRESS IN FEBRUARY 1976 HAD URGED ADOPTION OF NUF TREATY AND PROPOSAL HAD MET WITH WIDESPREAD POSITIVE RESPONSE FROM MANY STATES.

2. AFTER THESE INTRODUCTORY REMARKS, GROMYKO OUTLINED MAIN ELEMENTS OF THE DRAFT TREATY AS FOLLOWS:

A. ALL PARTIES WILL STRICTLY ABIDE BY THE UNDERTAKING TO
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REFRAIN FROM THE USE OF THREAT OF FORCE EITHER AGAINST

THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF ANY STATE, OR IN ANY OTHER MATTER INCONSISTENT WITH THE PURPOSES OF THE UN.

B. STATES WILL REFRAIN FROM THE USE OF ARMED FORCES INVOLVING THE EMPLOYMENT OF ANY TYPE OF WEAPONS INCLUDING NUCLEAR WEAPONS, AND WILL NOT THREATEN TO USE SUCH FORCE.

C. PARTIES WILL UNDERTAKE TO SETTLE DISPUTE BETWEEN THEM SOLELY BY PEACEFUL MEANS.

D. THE PURPOSE OF THE TREATY IS TO PREVENT AGGRESSION AS DEFINED BY THE UNITED NATIONS; IT IS NOT MEANT TO PREVENT COUNTRIES FROM USING THEIR LEGITIMATE RIGHT OF SELF-DEFENSE. IN THIS CONNECTION, HE CITED WARS OF NATIONAL LIBERATION AND THE ARAB STRUGGLE TO REACQUIRE THEIR LOST LANDS AS EXCLUDED FROM HIS DEFINITION OF AGGRESSIONS.

E. NOTHING IN THE TREATY WOULD AFFECT THE RIGHTS AND OBLIGATIONS OF STATES UNDER THE UN CHARTER AND EARLIER TREATIES AND AGREEMENTS.

F. THE TREATY WOULD BE OF A GENERAL, UNIVERSAL NATURE AND FOR THE SIGNATORY STATES IT WOULD ENTER INTO FORCE UPON RATIFICATION. THERE WOULD BE NO NEED TO WAIT FOR ACCESSION OF A SPECIFIC NUMBER OF COUNTRIES.

G. THE SECRETARY GENERAL WOULD BE THE DEPOSITORY OF THE TREATY.

3. IN AN ACCOMPANYING LETTER TO WALDHEIM, GROMYKO REQUESTS THE INCLUSION OF THE DRAFT TREATY AS AN AGENDA ITEM AND THE CIRCULATION OF HIS LETTER, WHICH IS AN EXPLANATORY MEMORANDUM, AS AN OFFICIAL UNGA DOCUMENT. HE DOES NOT INDICATE, HOWEVER, TO WHAT MAIN COMMITTEE (OR PLENARY) THE DRAFT TREATY SHOULD BE ALLOCATED. THE MATTER WILL PASS TO THE GENERAL COMMITTEE, WHICH WILL ADDRESS QUESTIONS OF INSCRIPTION OF ITEM AND ITS ALLOCATION.

4. THE FOLLOWING ARE TEXTS OF THE GROMYKO LETTER AND THE LIMITED OFFICIAL USE

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DRAFT TREATY.

QUOTE:

(A) UNOFFICIAL TRANSLATION

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE USSR
ADDRESSED TO THE UN SECRETARY-GENERAL

ESTEEMED MR. SECRETARY-GENERAL,

THE GOVERNMENT OF THE USSR PROPOSES THE INCLUSION IN THE AGENDA OF THE THIRTY-FIRST SESSION OF THE UN GENERAL ASSEMBLY, AS AN IMPORTANT AND URGENT QUESTION, OF AN ITEM: "CONCLUSION OF A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL REALTIONS".

THE THIRTY-FIRST SESSION OF THE UN GENERAL ASSEMBLY IS TAKING POLACE IN THE ATMOSPHERE OF SUBSTANTIAL POSITIVE CHANGES IN THE INTERNATIONAL SITUATION. CONSIDERABLE SUCCESSES HAVE BEEN ACHIEVED IN CONSOLIDATING THE PRINCIPLES OF PEACEFUL COEXISTENCE AND DEVELOPING CO-OPERATION AMONG STATES.

HOWEVER, DESPITE THE GENERAL INVIGORATION OF THE INTERNATIONAL SITUATION, MILITARY HOTBEDS STILL EXIST IN A NUMBER OF AREAS AS A CONSEQUENCE OF AGGRESSION AND THE USE OF FORCE AGAINST STATES AND PEOPLES.

THE SOVIET UNION BELIEVES THAT UNDER CURRENT CONDITIONS IT IS NECESSARY TO MAKE ADDITIONAL EFFORTS TO ENSURE STRICT OBSERVANCE BY ALL STATES OF THE PRINCIPLE OF THE NON-USE OF FORCE OR THREAT OF FORCE IN THEIR INTERNATIONAL RELATIONS. THESE OBJECTIVES WOULD BE SERVED BY DRAWING UP AND CONCLUDING A WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS. PARTIES TO SUCH A TREATY, INCLUDING, NATURALLY, THE NUCLEAR POWERS, WOULD UNDERTAKE TO REFRAIN FROM RESORTING TO FORCE OF THREAT OF FORCE, WITH THE USE OF ANY TYPES OF WEAPONS INCLUDING NUCLEAR AND OTHER TYPES OF WEAPONS OF MASS DESTRUCTION.

THIS IS NECESSITATED BY THE FACT THAT DESPITE THE PROVISION LIMITED OFFICIAL USE

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OF THE UN CHARTER ON THE NEED TO REFRAIN FROM THE USE OF THREAT OF FORCE THE YEARS WHICH HAVE PASSED SINCE THE SIGNING OF THE CHARTER HAVE WITNESSED NUMEROUS ARMED CONFLICTS BETWEEN STATES. THE USE OF FORCE FOR THE PURPOSES OF AGGRESSION, ACQUIRING TERRITORIES AND OPPRESSING OTHER PEOPLES HAS ALWAYS CAUSED WARS.

WITH THE EMERGENCY OF NUCLEAR WEAPONS THE THREAT OF LOCAL CONFLICTS DEVELOPING INTO WORLD NUCLEAR WAR WITH ALL ENSURING DISASTROUS CONSEQUENCES FOR MANKIND HAS IMMEASURABLY INCREASED.

IN THEIR DESIRE TO REMOVE THE DANGER OF AN OUTBREAK OF WAR AND ARMED CONFLICTS, TO ENHANCE THE EFFECTIVNESS OF THE OBLIGATION NOT TO USE FORCE, AND TO EXCLUDE THE VERY POSSIBILITY OF SOLVING INTERNATIONAL DIPSUTES BY

MEANS OF ARMS, THE STATES REPEATEDLY DECLARED IN THE POST-WAR PERIOD THEIR RENUNCIATION OF THE USE OF FORCE. THIS WAS REFLECTED IN A SERIES OF BILATERAL, REGIONAL AND MULTILATERAL TREATIES AND AGREEMENTS.

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THE PRINCIPLE OF THE NON-USE OF FORCE IS EMBODIED IN MANY IMPORTANT DOCUMENTS ADOPTED BY THE UNITED NATIONS IN RECENT YEARS: IN THE DEFINITION OF AGGRESSION; IN THE DECLARATIONS ON STRENGTHENING INTERNATIONAL SECURITY AND ON THE PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE UN CHARTER; IN THE GENERAL ASSEMBLY RESOLUTION ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS AND THE SIMULTANEOUS PERMANENT PROHIBITION OF THE USE OF NUCLEAR WEAPONS. THE STATES PARTICIPATING IN THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE DECLARED IN THE FINAL ACT THEIR INTENTION TO CONDUCT RELATIONS WITH ALL STATES IN THE SPIRIT OF THE PRINCIPLES OF PRIMARY SIGNIFICANCE SET FORTH THEREIN, AMONG WHICH THE PRINCIPLE OF THE NON-USE OF FORCE HOLDS A WORTHY PLACE. IN THEIR FORUMS THE NON-ALIGNED STATES HAVE REPEATEDLY COME OUT IN FAVOUR OF STRICT OBSERVANCE OF THE PRINCIPLE OF THE NON-USE OF FORCE OR THREAT OF FORCE IN INTERNATIONAL RELATIONS.

THE CONCLUSION OF A WORLD TREATY ON THE NON-USE OF
FORCE IN INTERNATIONAL RELATIONS WOULD BE A NATURAL CONTINUATION
OF THE UN EFFORTS AND THOSE OF ITS MEMBER STATES TO
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CONSOLIDATE INTERNATIONAL PEACE AND SECURITY AND WOULD
REDUCE THE RISK OF AN OUTBREAK OF ANOTHER WORLD WAR. THAT
WOULD UNDOUBTEDLY CREATE MORE FAVOURABLE CONDITIONS FOR
CURBING THE ARMS RACE, REDUCING ARAMENTS, INCLUDING NUCLEAR
ARMS, AND FOR MOVING AHEAD TOWARDS GENERAL AND COMPLETE
DISARMAMENT, WITH THE RESULTING BENEFIT FOR ALL STATES
IRRESPECTIVE OF THEIR SOCIAL SYSTEMS, THE SIZE OF THEIR
TERRITORY, POPULATION OR OF THE FACT WHETHER OR NOT
THEY POSSESS NUCLEAR WEAPONS.

THE CONCLUSION OF THE TREATY MUST IN NO WAY PREJUDICE
THE LEGITIMACY OF THE STRUGGLE OF COLONIAL PEOPLES FOR
THEIR FREEDOM AND INDEPENDENCE.

THE GENERAL ASSEMBLY COULD GIVE AN ALL-ROUND CONSIDERATION TO
THE QUESTION OF DRAWING UP AND CONCLUDING A WORLD TREATY
ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS AND OUTLINE
CONCRETE STEPS TO IMPLEMENT THIS PROPOSAL. THE UNITED
NATIONS WOULD THEREBY MAKE A CONCRETE CONTRIBUTIONS
TO DEEPENING INTERNATIONAL DETENTE AND STRENGTHENING
PEACE AND INTERNATIONAL SECURITY.

THE CORRESPONDING DRAFT TREATY IS ATTACHED TO THIS LETTER.

PLEASE REGARD THIS LETTER, MR. SECRETARY-GENERAL, AS AN
EXPLANATORY MEMORANDUM IN ACCORDANCE WITH THE RULES
OF PROCEDURE OF THE UN GENERAL ASSEMBLY AND CIRCULATE
IT AS AN OFFICIAL UN GENERAL ASSEMBLY DOCUMENT.

RESPECTFULLY,

(SIGNED) A. GROMYKO
MINISTER FOR FOREIGN
AFFAIRS OF THE USSR

UNQUOTE.

QUOTE:

(B) UNOFFICIAL TRANSLATION

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DRAFT

WORLD TREATY ON THE NON-USE OF FORCE IN
INTERNATIONAL RELATIONS

THE HIGH CONTRACTING PARTIES,

SOLEMNLY REAFFIRMING THEIR OBJECTIVE OF PROMOTING
BETTER RELATIONS AMONG THEMSELVES, ENSURING A LASTING
PEACE ON EARTH AND SAFEGUARDING THE PEOPLES AGAINST
ANY THREAT TO OR ATTEMPT UPON THEIR SECURITY;

SEEKING TO ELIMINATE THE RISK OF OUTBREAK OF NEW WARS
AND ARMED CONFLICTS BETWEEN STATES;

PROCEEDING FROM THEIR OBLIGATIONS UNDER THE UNITED NATIONS
CHARTER TO MAINTAIN PEACE AND TO REFRAIN FROM THE THREAT OR
USE OF FORCE;

BEEARING IN MIND THAT THE DEFINITION OF AGGRESSION WORKED
OUT AND ADOPTED BY THE UNITED NATIONS PROVIDES NEW OPPOR-
TUNITIES FOR THE PRINCIPLE OF THE NON-USE OF THREAT OF FORCE
TO BE ESTABLISHED IN INTERSTATE RELATIONS;

TAKING INTO CONSIDERATION THE DECLARATION ON PRINCIPLES
OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND
CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE UNITED
NATIONS CHARTER AND OTHER RESOLUTIONS OF THE UNITED NATIONS
EXPRESSING THE WILL OF STATES TO STRICTLY ABIDE BY THE PRINCIPLE
OF THE NON-USE OF FORCE OR THREAT OF FORCE;

NOTING WITH SATISFACTION THAT THE PRINCIPLE OF THE NON-USE
OF FORCE OR THREAT OF FORCE HAS BEEN FORMALIZED IN A
SERIES OF BILATERAL AND MULTILATERAL INTERNATIONAL INSTRUMENTS,
TREATIES, AGREEMENTS AND DECLARATIONS;

RECALLING IN THIS CONNECTION THAT THE STATES PARTICIPATING
IN THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE
HAVE DECLARED IN THE FINAL ACT THEIR INTENTION TO CONDUCT
RELATIONS WITH ALL STATES IN THE SPIRIT OF THE PRINCIPLES
OF PRIMARY SIGNIFICANCE SET FORTH THEREIN, AMONG WHICH THE
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PRINCIPLE OF THE NON-USE OF FORCE OR THREAT OF FORCE HOLDS
A WORTHY PLACE;

RECALLING ALSO THAT THE NON-ALIGNED STATES EXPRESSED

THEMSELVES IN THEIR HIGHEST FORUMS IN FAVOUR OF STRICT
OBSERVANCE OF THE PRINCIPLE OF THE NON-USE OF FORCE
OR THREAT OF FORCE IN INTERNATIONAL RELATIONS;

IN SPIRED BY THE DESIRE TO MAKE RENUNCIATION OF THE USE
OR THREAT OF FORCE IN INTERNATIONAL RELATIONS INVOLVING
ANY TYPES OF WEAPONS F A LAW OF INTERNATIONAL LIFE;

HAVE AGREED AS FOLLOWS:

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INFO AMEMBASSY MOSCOW

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ARTICLE I

1. THE HIGH CONTRACTING PARTIES SHALL STRICTLY ABIDE
BY THEIR UNDERTAKING NOT TO USE IN THEIR MUTUAL
RELATIONS, AS WELL AS IN THEIR INTERNATIONAL RELATIONS
IN GENERAL, FORCE OR THREAT OF FORCE AGAINST THE TERRITORIAL
INTEGRITY OF POLITICAL INDEPENDENCE OF ANY STATE, OR IN
ANY OTHER MANNER INCONSISTENT WITH THE PURPOSES OF THE UNITED
NATIONS.

THE SHALL ACCORDINGLY REFRAIN FROM THE USE OF ARMED
FORCED INVOLVING ANY TYPES OF WEAPONS, INCLUDING NUCLEAR
OR OTHER TYPES OF WEAPONS OF MASS DESTRUCTION, ON LAND,

ON THE SEA, IN THE AIR OR OUTER SPACE, AND SHALL NOT
THREATEN WITH SUCH USE.

2. THEY AGREE NOT TO ASSIST, ENCOURAGE OR INDUCE ANY STATES
OR GROUPS OF STATES TO USE FORCE OR THREAT OF FORCE IN
VIOLATION OF THE PROVISIONS OF THIS TREATY.

E. NO CONSIDERATION MAY BE ADDUCED TO JUSTIFY RESORT
TO THE THREAT OR USE OF FORCE IN VIOLATION OF THE OBLIGATIONS
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UNDER THIS TREATY.

ARTICLE II

THE HIGH CONTRACTING PARTIES REAFFIRM THEIR UNDERTAKING
TO SETTLE DISPUTES AMONG THEM BY PEACEFUL MEANS IN SUCH
A MANNER AS NOT TO ENDANGER
INTERNATIONAL PEACE AND SECURITY.

FOR THIS PURPOSE THEY WILL USE IN CONFORMITY WITH THE
UNITED NATIONS CHARTER SUCH MEANS AS NEGOTIATION, MEDIATION,
CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT OR OTHER
PEACEFUL MEANS OF THEIR OWN CHOICE INCLUDING ANY SETTLEMENT
PROCEDURE AGREED TO BY THEM.

THE HIGH CONTRACTING PARTIES SHALL ALSO REFRAIN FROM ANY
ACTION WHICH MAY AGGRAVATE THE SITUATION TO SUCH A DEGREE
AS TO ENDANGER THE MAINTENANCE OF INTERNATIONAL
PEACE AND SECURITY AND THEREBY MAKE A PEACEFUL SETTLEMENT
OF THE DISPUTE MORE DIFFICULT.

ARTICLE III

NOTHING IN THIS TREATY SHALL AFFECT THE RIGHTS
AND OBLIGATIONS OF STATES UNDER THE UNITED NATIONS CHARTER
AND TREATIES AND AGREEMENTS CONCLUDED BY THEM EARLIER.

ARTICLE IV

THE HIGH CONTRACTING PARTIES SHALL MAKE ALL POSSIBLE EFFORTS
TO IMPLEMENT EFFECTIVE MEASURES FOR LESSENING MILITARY
CONFRONTATION AND FOR DISARMAMENT WHICH WOULD CONSTITUTE
STEPS TOWARDS THE ACHIEVEMENT OF THE ULTIMATE GOAL--
GENERAL AND COMPLETE DISARMAMENT UNDER STRICT AND EFFECTIVE
INTERNATIONAL CONTROL.

ARTICLE V

EACH HIGH CONTRACTING PARTY SHALL CONSIDER THE QUESTION

OF WHAT MEASURES MUST BE TAKEN, IN ACCORDANCE WITH ITS
CONSTITUTIONAL PROCEDURE, FOR ENSURING THE FULLEST
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FULFILMENT OF ITS OBLIGATIONS UNDER THIS TREATY.

ARTICLE VI

THIS TREATY SHALL BE OF UNLIMITED DURATION.

ARTICLE VII

THIS TREATY SHALL:

(1) BE OPEN FOR SIGNATURE BY ANY STATE OF THE WORLD AT
ANY TIME;

(2) BE SUBJECT TO RATIFICATION BY SIGNATORY STATES;
INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH
THE SECRETARY-GENERAL OF THE UNITED NATIONS WHO IS
BEREBY DESIGNATED THE DEPOSITARY;

(3) ENTER INTO FORCE FOR EACH CONTRACTING PARTY UPON THE
DEPOSIT OF ITS INSTRUMENT OF RATIFICATION WITH THE
DEPOSITARY.

THE DEPOSITARY SHALL PROMPTLY INFORM THE GOVERNMENTS OF ALL
SIGNATORY STATES OF THE DATE OF EACH SIGNATURE AND THE
DATE OF DEPOSIT OF EACH INSTRUMENT OF RATIFICATION.

ARTICLE VIII

THIS TREATY, THE RUSSIAN, ENGLISH, SPANISH, CHINESE AND
FRENCH TEXTS OF WHICH ARE EQUALLY AUTHENTIC, SHALL
BE DEPOSITED WITH THE SECRETARIAT OF THE UNITED NATIONS.
DULY CERTIFIED COPIES OF THIS TREATY SHALL BE TRANSMITTED
BY THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE GOVERNMENTS
OF THE SIGNATORY STATES.

UNQUOTE.
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